(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram : Hon'ble Shri Jagdish Bhalla, Ag. C.J. &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A. (C) (P.R.) No.3823 of 2006 MACO 767/07

APPELLANTS CLAIMANTS :

01. Pankaj Kumar, aged about 23 years Son of late Shri Shankar Das
02. Shishir Mahant, aged about 21 years, son of late Shri Shankar Das
03. Minor, Km. Deepika Mahant, aged 17 years, daughter of late Shri Shankar Das Mahant, Through Pankaj Kumar Mahant her natural guardian.
04. Badra Bai, aged about 86 years wife of late Shri Pila Das, All residents of Awas No.A.G./1528/30, Kaveri Vihar, Jamnipali, Post-Jamnipali, Tahsil-Katghora, District-Korba (C.G.)

Versus

RESPONDENTS NON-CLAIMANTS :

1. Gaya Prasad Chandra, aged about 41 years, son of Naman Singh resident of Arsiya, Police Station Jaijaipur, Tehsil-Sakti, District-Janjgir-Champa (C.G.)
2. Mochan Prasad Sahu, aged about 32 years, son of Meghram Sahu resident of Bawnibudi, Post-Kanshigarh, Police Station- Jaijaipur, Tehsil-Sakti, District-Janjgir-Champa (C.G.)
3. National Insurance Co. Ltd. Branch Office-Korba 13, Minu Complex, Kosabadi, Korba, Tehsil and District-Korba (C.G.)

MISC. APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT.

Present :
Shri Sunil Sahu, counsel for the appellants.

ORAL ORDER
(Passed on 05-07-2007)

(23)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.:**

Heard on admission.

(2) Being aggrieved by the impugned award dated 18-10-2006 passed by the learned Additional Motor Accidents Claims Tribunal, Korba, District Korba (hereinafter referred to as "the Tribunal") in Claim Case No.73 of 2005, the appellants/claimants have preferred this appeal for enhancement of compensation.

(3) The only point urged by learned counsel for the appellant in this appeal for enhancement of compensation awarded by the Additional Motor Accidents Claims Tribunal, Korba in the case of accidental death of Shankar Das Mahant, aged about 49 years is that the compensation of Rs.13,72,000/- (Rs. Thirteen Lakh & Seventy two thousand only) is inadequate as the Tribunal ought to have taken into consideration the gross salary of the deceased while assessing the loss of dependency.

(4) Learned counsel for the appellant did not dispute that the Ex.P-14 i.e. the document of Income tax return of financial year 2003-2004 filed by the claimant did not show the actual deductions from the salary. Learned counsel for the appellant also conceded that the applicant did not file any document to show the nature of deductions from the salary of the deceased.

(5) In this view of the matter, we are of the considered opinion that the learned Tribunal was wholly justified in assessing loss of dependency on the net salary of the deceased. No other point was urged.

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(6) In the result, the appeal, being devoid of merit, is accordingly dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Sd/-
Acting Chief Justice

Tumane